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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,528	05/29/2001	Keizo Yamada	NEC-F92/USA	4338

7590                    12/26/2002  
McGinn & Gibb, PLLC  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817

EXAMINER
NGUYEN, VINH P

ART UNIT	PAPER NUMBER
2829	

DATE MAILED: 12/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

	Application No.	Applicant(s)
	09/865,528	YAMADA, KEIZO
	Examiner	Art Unit
	VINH P NGUYEN	2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 18 October 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 2-13 and 15-25 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
- 1.) Certified copies of the priority documents have been received.
- 2.) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 .

- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

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Art Unit: 2829

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. Applicant's election without traverse of species of figure 1 including claims 1 and 14 in Paper No. 6 is acknowledged.
3. Claims 2-13 and 15-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.
4. Claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear what "current values" represent. Furthermore, it is unclear what are the relationship between the current values and the current waveforms.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
6. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It appears that the specification does not have support for the limitation of "irradiating a

second test sample having an identical circuit pattern to a circuit pattern of the first test sample..." as recited in claim 14.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 and 14 (insofar as understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamoto et al (Pat # 5,453,994).

As to claim 1, Kawamoto et al disclose a test system as shown in figure 1 having a test sample (1) to be tested, current measuring means (3,4b) for measuring current generated in the sample by the beam irradiation (7) from beam irradiating means (not shown) and comparator means (5c) for comparing the measured current signal from the current measuring means (3,4b) with expected values (5b) in order to determine if there is an existed OBIC signals. It is noted that the device of Kawamoto et al does not mentioned about the memory means and the position on the test sample at which a difference exists. However, it would have been obvious for one of ordinary skill in the art to recognize that the comparator (5c) would inherently have memory means for storing the measured current signals in order to perform its task. Furthermore, by observing the output from the comparator, one of ordinary skill in the art would also recognize that the position at which the difference exists. As to claim 14, it appears that the apparatus of

Kawamoto et al would incorporate these method steps of this instant claim in order to perform the test on the test sample.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baumgart (Pat # 6,294,919) disclose method for nondestructive measurement of dopant concentrations and profiles in the drift region of certain semiconductor devices.

Kawanura et al (Pat # 5,365, 034) disclose detect detection and defect removal apparatus of thin film electronic device.

Ishii et al (Pat # 5,493,236) disclose test analysis apparatus and analysis method for semiconductor wafer using OBIC analysis.

Nikawa (Pat # 5,815,002) disclose method and device of testing semiconductor integrated circuit chip capable of preventing electron-hole pairs.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH P. NGUYEN whose telephone number is (703) 305-4914. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4900.

  
VINH P. NGUYEN  
PRIMARY EXAMINER  
ART UNIT 2829

12/18/2002